

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

**CIVIL MINUTES - GENERAL**

Case No.	CV 11-04719 AHM (MRWx)	Date	June 8, 2011
Title	BRIAN BASIC v. PABLO CASTILLO, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
Stephen Montes	Not Reported		
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys <b>NOT</b> Present for Plaintiffs:	Attorneys <b>NOT</b> Present for Defendants:		

**Proceedings:** IN CHAMBERS (No Proceedings Held)

In March 2011, plaintiff Brian Basic filed an unlawful detainer action in Los Angeles County Superior Court naming Pablo Castillo, Jane Castillo, and Does 1-100 as Defendants. On June 2, 2011, Pablo and Jane Castillo removed this action to federal court, apparently on the basis of diversity of citizenship.

A federal court must determine its own jurisdiction even if there is no objection to it. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339 (9th Cir. 1996). Jurisdiction must be determined from the face of the complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386 (1987).

Defendants allege diversity jurisdiction exists under 28 U.S.C. § 1332. Notice of Removal, ¶¶ 6, 18. Federal diversity jurisdiction demands an amount in controversy exceeding \$75,000, and “[t]he amount in controversy is determined from the allegations or prayer of the complaint.” WILLIAM W. SCHWARZER, *et al.*, CALIFORNIA PRACTICE GUIDE: FEDERAL CIVIL PROCEDURE BEFORE TRIAL (2010), § 2:450 (citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938)). Here, there is no allegation anywhere in the complaint suggesting the amount in controversy exceeds \$75,000. Quite the opposite. Plaintiff filed the complaint in California state court as a limited civil case. Jurisdiction in limited civil cases is confined to cases in which the amount of damages demanded is less than \$25,000. Cal. Civ. Proc. Code § 86. The complaint’s caption states “Amount demanded does not exceed \$10,000.”

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Therefore, there is no basis for diversity jurisdiction. Accordingly, the Court ORDERS, on its own motion, that this action be remanded to Los Angeles County Superior Court for lack of jurisdiction.

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Initials of Preparer :  
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